

8-Step Decision Making Process (8-Step) Guidance

The 8-Step is required by both EO 11988 (Floodplain Management) & EO 11990 (Wetlands Protection). 24 CFR Part 55 are HUD's regulations developed to establish standards to ensure compliance with both of these Executive Orders.

Guidance included here is summarized from [HUD's WISER Webinar](#)

For more detailed guidance see [Guidelines for Implementing Executive Order \(EO\) 11988 and EO 13690](#)

(Please Note: EO 13690 has since been revoked, but the above link still has a lot of helpful information and guidance for compliance with [EO 11988](#))

Step 1: Determine whether the action is located in a 100-year floodplain (or 500-year floodplain for critical actions) and/or a wetland.

- Proposed project location/address
- Flood zone determination
- FIRMette, map #, panel # and effective date
- Does the project qualify as a critical action? Critical action means any activity for which even a slight chance of flooding would be too great. Examples include:
 - Where occupants may not be sufficiently mobile or have sufficient transportation (ex. hospitals, nursing homes, prisons and schools)
 - Facilities producing and/or storing highly volatile, toxic or water-reactive materials
 - Facilities that store/provide essential and irreplaceable records, utilities, national laboratories, items of cultural significance or equipment
 - Facilities where flooding would it lead to beyond local catastrophic impacts
 - Facilities that provide emergency services (ex. police and fire stations)
 - Important public facilities
- *For wetlands: Wetland type identified by the National Wetlands Inventory (NWI) Map at the project location and/or classification of federally unmapped wetland that has been identified.*

Step 2: Notify the public for early review of the proposal and involve the affected and interested public in the decision-making process.

- When (date) and where (publication title) the early notice was published
- Mailing list (if mailed to interested parties in addition to publication)
- Timeframe in which the notice was published on the municipality's and/or organizations website
- If any comments were received
- Summary of response to comments (if applicable)
- In the actual notice (contact the Environmental Office for notice template, also available in GEARS)
 - Project description
 - Location
 - Type and size of the Special Flood Hazard Area
 - *For wetlands: Type/classification and size of wetland identified*
 - Natural and beneficial functions and values that may be adversely affected
 - Contact information
 - Office address and hours

Step 3: *Identify and evaluate practicable alternatives.*

- Alternatives to locating outside of the floodplain and/or wetland
 - Select a new site (alternative sites)
 - Redesign the proposal so that construction is not located in the floodplain and/or wetland (alternative actions)
 - Consider the no action alternative: a determination not to approve any action involving the occupancy or modification of the floodplain and/or wetland

Step 4: *Identifying potential direct and indirect impacts of associated with floodplain and/or wetland development.*

- Lives and property
 - How many residents/workers are being introduced into the development area?
 - What is the cost/value of the proposed development?
- Beneficial floodplain and/or wetland values
 - Water resources: flood moderation, water quality maintenance, groundwater recharge
 - Climate resources: effects of changes in landcover
 - Living resources: flora and fauna
 - Cultural and community resources: archaeological, historic, and recreational
 - Agricultural, aqua cultural, and forestry resources

Step 5: *Where practicable, design or modify the proposed action to minimize the potential adverse impacts to lives, property, and natural values within the floodplain and/or wetland and to restore, and preserve the values of the floodplain and/or wetland.*

- Minimize
 - Mitigation techniques may include measures such as use of permeable surfaces, storm water capture/reuse and green roofs
 - New construction and substantial improvement projects must be elevated at or above the 100-year floodplain (**Please Note:** local floodplain management regulations may be more restrictive than federal requirements)
 - Critical actions must be modified to include early warning systems and emergency evacuation plans
- Restore and preserve
 - Restore: reestablish a setting or environment in which the natural and beneficial values of floodplain and/or wetland could again function
 - Preserve: prevent modification to the natural floodplain and/or wetland environment, or to maintain it as closely as possible to its natural state

Step 6: *Reevaluate the alternatives.*

- Is the proposed project still practicable in light of exposure to flood hazards?
- Whether alternatives preliminary rejected at Step 3 are now practicable in light of information gained in steps 4 and 5
- Should consider impacts with a view to protecting human life, real property, and the natural and beneficial functions and values served by the floodplain and/or wetland
- Reevaluation should also include a review of economic costs associated with each alternative

Step 7: *Determination of no practicable alternative.*

- When (date) and where (publication title) the early notice was published
- Mailing list (if mailed to interested parties in addition to publication)
- If any comments were received
- Summary of response to comments (if applicable)
- In the actual notice (contact the Environmental Office for notice template, also available in GEARS)
 - Justify why the development must be located on this site
 - Include a list of alternative site(s) considered under Step 3
 - Cite all mitigation measures to be taken to minimize adverse impact and to restore and preserve the natural beneficial functions and values of the floodplain and/or wetland

Step 8: Implement the proposed action.

- After taking public comments into consideration, the project can be implemented
- Mitigation measures should be conveyed to the sponsor in writing
- The responsible entity will be required to monitor to ensure mitigation measures are implemented

See 8-Step Process **Case Study Example** and **Flow Chart** [here](#).